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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,437	02/10/2004	Jagrut V. Patel	030222	2918
23696 7590 12/09/2008 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121				
EXAMINER HUANG, WEN WU				
ART UNIT 2618		PAPER NUMBER		
NOTIFICATION DATE 12/09/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/776,437

Applicant(s)

PATEL ET AL.

Examiner

WEN W. HUANG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-15, 30-33, 37-39 and 41-47 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 11-15, 30-33, 37-39 and 41-47 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claims 11-15, 30-33, 37-39 and 41-47 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 11-13, 15, 30-33, 37, 38 and 41-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olson (US. 6,727,602 B2) in view of Nishihara et al. (US. 6,522,902 B2; hereinafter "Nishihara").

Regarding **claim 11**, Olson teaches a power source (see Olson, fig. 1, power supply 100), comprising:

first and second batteries (see Olson, fig. 1, B1 101 and B2 104); and
means for (see Olson, fig. 1, power controller 108) operating each of the first and second batteries in a pulse current discharge mode (see Olson, col. 5, lines 29-36; alternating fashion; col. 9, lines 58-63) while supplying continuous current to a load (see Olson, fig. 1, load 107, col. 5, lines 3-8; col. 9, lines 8-13) in response to the current required by the load exceeding a threshold (see Olson, col. 10, lines 35-45) (see Olson, col. 9, lines 8-10, measured load voltage (V_{dd}); col. 3, lines 38-40 and 47-52; load

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demand (R) of application circuit; measured current (I) = measured voltage (V) / known resistance (R), Ohm's law ($I=V/R$), col. 9, lines 8-13).

Olson is silent to teaching that comprising means for coupling the first and second batteries to the load in response to the current required by the load being below a threshold. However, the claimed limitation is well known in the art as evidenced by Nishihara.

In the same field of endeavor, Nishihara teaches a power source (see Nishihara, fig. 2, battery pack 2) comprising means for coupling the first and second batteries to the load (see Nishihara, col. 10, lines 22-33, battery cells 2a and 2b in parallel connection) in response to the current required by the load being below a threshold (see Nishihara, standby time; col. 12, lines 65-67, small current drain).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Olson with the teaching of Nishihara in order to extend battery life and improve power consumption (see Nishihara, col. 2, lines 35-43).

Regarding **claim 12**, the combination of Olson and Nishihara teaches the power source of claim 11 wherein the means for operating each of the first and second batteries in a pulse discharge mode comprises a first switch configured to intermittently couple to the first battery to the load, a second switch configured to intermittently coupled the second battery to the load (see Olson, fig. 1, controlled power switches 103

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and 106; col. 9, lines 58-63), and means for controlling the first and second switches (see Olson, fig. 3, Vp and Vn, col. 9, lines 24-31).

Regarding **claim 13**, the combination of Olson and Nishihara teaches the power source of claim 12 wherein the means for operating each of the first and second batteries in a pulse discharge mode further comprises means for measuring the current supplied to the load, the means for controlling the first and second switches being responsive to the measured current (see Olson, col. 9, lines 8-10, measured load voltage (V_{dd}); col. 3, lines 38-40 and 47-52; load demand (R) of application circuit; measured current (I) = measured voltage (V) / known resistance (R), Ohm's law ($I=V/R$), col. 9, lines 8-13),

Regarding **claim 15**, the combination of Olson and Nishihara further teaches the power source of claim 12 wherein the means for controlling the first and second switches is responsive to voltage measured at each of the first (see Olson, col. 5, lines 47-55).

Regarding **claim 30**, Olson teaches a wireless communications device (see Olson, col. 2, lines 35-38), comprising:

a processor configured to support communications, the processor being further configured to operate in a traffic state an idle state (see Olson, col. 3 lines 31-55; application circuit, standby state or active state);

first and second batteries (see Olson, fig. 1, B1 101 and B2 104); and
a power management module (see Olson, fig. 1, power controller 108) configured to operate each of the first and second batteries (see Olson, fig. 1, B1 101 and B2 104) in a pulse current discharge mode (see Olson, col. 5, lines 29-36; alternating fashion; col. 9, lines 58-63) while supplying continuous current to the processor (see Olson, fig. 1, load 107, col. 5, lines 3-8; col. 9, lines 8-13) in response to the wireless communication device being operated in the traffic state (see Olson, col. 10, lines 35-45).

Olson is silent to teaching that comprising a power management module configured to continuously couple the first and second batteries to the processor in response to the processor being operated in the idle state. However, the claimed limitation is well known in the art as evidenced by Nishihara.

In the same field of endeavor, Nishihara teaches a wireless communication device (see Nishihara, col. 2, lines 45-50) comprising a power management module configured to continuously couple the first and second batteries to the processor (see Nishihara, col. 10, lines 22-33, battery cells 2a and 2b in parallel connection) in response to the processor being operated in the idle state (see Nishihara, standby time; col. 12, lines 65-67, small current drain).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Olson with the teaching of Nishihara in order to extend battery life and improve power consumption (see Nishihara, col. 2, lines 35-43).

Regarding **claim 31**, the combination of Olson and Nishihara also teaches the wireless communications device of claim 30, wherein the power management module comprises a switch control module (see Olson, fig. 3, Vp and Vn, col. 9, lines 24-31), and a switch configured to intermittently couple the first and second batteries to the processor under control of the switch control module (see Olson, fig. 1, switches 103 and 106; col. 9, lines 58-63).

Regarding **claim 32**, the combination of Olson and Nishihara also teaches the wireless communications device of claim 31, wherein the switch comprises a first switch configured to intermittently couple the first battery to the processor under control of the switch control module (see Olson, fig. 1, switch 103), and a second switch configured to intermittently couple the second battery to the processor under control of the switch control module (see Olson, fig. 1, switch 106).

Regarding **claim 33**, the combination of Olson and Nishihara also teaches the wireless communications device of claim 32, wherein the first and second switches, each comprises a field effect transistor (see Olson, fig. 2, col. 7, lines 40-45).

Regarding **claim 37**, the combination of Olson and Nishihara teaches the wireless communications device of claim 30 wherein the power control module is further configured to determine the processor state as a function of the current supplied to the

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processor (see Olson, col. 9, lines 8-10, measured load voltage (V_{dd}); col. 3, lines 38-40 and 47-52; load demand (R) of application circuit in standby state and active state; measured current (I) = measured voltage (V) / known resistance (R), Ohm's law ($I=V/R$), col. 9, lines 8-13),

Regarding **claim 38**, the combination of Olson and Nishihara teaches the wireless communication device of claim 30 wherein the switch control module is further configured to control the switch as a function of voltage measured at each of the first and second batteries (see Olson, col. 5, lines 47-55).

Regarding **claim 41**, Olson teaches a power source (see Olson, fig. 1, power supply 100), comprising:

first and second batteries (see Olson, fig. 1, B1 101 and B2 104); and

a power management module configured to (see Olson, fig. 1, power controller 108) operate each of the first and second batteries in a pulse current discharge mode (see Olson, col. 5, lines 29-36; alternating fashion; col. 9, lines 58-63) while supplying continuous current to a load (see Olson, fig. 1, load 107, col. 5, lines 3-8; col. 9, lines 8-13) in response to the current required by the load exceeding a threshold (see Olson, col. 10, lines 35-45) (see Olson, col. 9, lines 8-10, measured load voltage (V_{dd}); col. 3, lines 38-40 and 47-52; load demand (R) of application circuit; measured current (I) = measured voltage (V) / known resistance (R), Ohm's law ($I=V/R$), col. 9, lines 8-13).

Olson is silent to teaching that comprising a power management module configured to continuously couple the first and second batteries to the load in response

to the current required by the load being below a threshold. However, the claimed limitation is well known in the art as evidenced by Nishihara.

In the same field of endeavor, Nishihara teaches a power source (see Nishihara, fig. 2, battery pack 2) comprising a power management module configured to continuously couple the first and second batteries to the load (see Nishihara, col. 10, lines 22-33, battery cells 2a and 2b in parallel connection) in response to the current required by the load being below a threshold (see Nishihara, standby time; col. 12, lines 65-67, small current drain).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Olson with the teaching of Nishihara in order to extend battery life and improve power consumption (see Nishihara, col. 2, lines 35-43).

Regarding **claims 42-46**, the dependent claims are interpreted and rejected for the same reasons as set forth above in claims 31-33, 14 and 39, respectively.

2. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olson and Nishihara as applied to claim 12 above, and further in view of Kitagawa (US. 6,624,613 B2)..

Regarding **claim 14**, the combination of Olson and Nishihara teaches the power source of claim 12.

The combination of Olson and Nishihara is silent to teaching that wherein the means for controlling the first and second switches is configured to couple the first battery to the load before removing the second battery from the load. However, the claimed limitation is well known in the art as evidenced by Kitagawa.

In the same field of endeavor, Kitagawa teaches the power source wherein the means for controlling the first and second switches is configured to couple the first battery to the load (see Kitagawa, fig. 36, component S21) before removing the second battery from the load (see Kitagawa, fig. 36, component S23 or S28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Olson and Nishihara with the teaching of Kitagawa in order to effectively use of parallel connected batteries and prevent damages of batteries (see Kitagawa, col. 1, lines 55-67)

3. Claims 39 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olson and Nishihara as applied to claims 38 and 42, and further in view of Choo (US. 6,452,362 B1).

Regarding **claim 39**, the combination of Olson and Nishihara teaches the wireless communication device of claim 38.

The combination of Olson and Nishihara is silent to teaching that wherein the selection module is further configured to control the switch to couple one of the first and second batteries having the highest voltage to the load. However, the claimed limitation is well known in the art as evidenced by Choo.

In the same field of endeavor, Choo teaches a device wherein the selection module is further configured to control the switch to couple one of the first and second batteries having the highest voltage to the load (see Choo, fig. 3, S125 and S135, col. 9, lines 15-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Olson and Nishihara with the teaching of Choo in order to maximize the usage time of batteries and evenly discharge batteries (see Choo, col. 3, lines 48-51).

Regarding **claim 47**, the dependent claim is interpreted and rejected for the same reasons as set forth above in claim 39.

Response to Arguments

Applicant's arguments with respect to claims 11, 30 and 41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WEN W. HUANG whose telephone number is (571)272-7852. The examiner can normally be reached on 10am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. W. H./
Examiner, Art Unit 2618

/Matthew D. Anderson/
Supervisory Patent Examiner, Art Unit 2618